

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

vs

1:04-CR-313

JOHN E. HOWARD, III,

Defendant.

APPEARANCES:

OF COUNSEL:

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Attorney for Government
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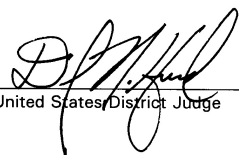
DAVID N. HURD
United States District Judge

ORDER

Defendant has moved pursuant to Fed. R. Crim. P. 29 to set aside the jury verdict and enter a judgment of acquittal (Docket No. 366). The Government opposes. (Docket No. 377).

Based upon United States v. Howard, 400 F. Supp. 2d 457 (N.D.N.Y. May 3, 2005), and United States v. Howard, 406 F. Supp. 2d 215 (N.D.N.Y. Dec. 30, 2005), vacated on other grounds, 489 F.3d 484 (2d Cir. 2007), the motion is DENIED.

IT IS SO ORDERED.



United States District Judge

Dated: March 7, 2008
Utica, New York.